

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**UNITED STATES OF AMERICA,**

**v.**

**LAMONT KORTEZ GAINES,  
Defendant.**

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**Criminal No. 1:17-CR-106**

**ORDER**

This matter is before the Court for defendant's sentencing. The Fourth Circuit is preparing to re-hear en banc *United States v. Simms*, No. 15-4640, a case in which the Fourth Circuit will be presented with the questions (i) whether conspiracy to commit Hobbs Act robbery is a crime of violence, and (ii) whether § 924(c)(3)(B) is unconstitutionally vague. The Fourth Circuit is also holding *United States v. Ali*, No. 15-4433, in abeyance pending resolution of *Simms*. *Ali* presents the question whether substantive Hobbs Act robbery is a crime of violence. The Fourth Circuit's decision in *Simms* or *Ali* could be dispositive here, as it would determine whether Hobbs Act robbery is a crime of violence and whether § 924(c)'s residual clause is constitutional.

Accordingly, for good cause shown,

It is hereby **ORDERED** that this matter is **STAYED** until the Fourth Circuit issues a decision *Simms*.

It is further **ORDERED** that the parties are directed to notify the Court when a decision is reached in *Simms*.

The Clerk is directed to send a copy of this Order to all counsel of record and to place this matter among the inactive matters.

Alexandria, Virginia  
July 13, 2018

  
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T. S. Ellis, III  
United States District Judge